

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LOI TAN NGUYEN,)
Plaintiff)
v.) Civil Action No. 04-CV-11781-DPW
NMT MEDICAL, INC.,)
Defendant.)

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56 and Local Rule 56.1, defendant NMT Medical, Inc. (“NMT”), moves for this Court to enter summary judgment for NMT on all counts set forth in plaintiff Loi Tan Nguyen’s Complaint for the reasons set forth in the attached Memorandum In Support of NMT Medical, Inc.’s Motion For Summary Judgment. NMT also files herewith a Statement of Undisputed Material Facts and an Affidavit of Julie Murphy Clinton, Esquire in Support of the Statement of Undisputed Material Facts, with accompanying exhibits.

CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), counsel for NMT certifies that she has conferred with plaintiff Loi Tan Nguyen and attempted in good faith to resolve or narrow the issues addressed in the Motion for Summary Judgment.

REQUEST FOR ORAL ARGUMENT

NMT requests oral argument on this Motion to the extent that the Court believes oral

argument will assist the Court in deciding the Motion.

NMT MEDICAL, INC.,

By its attorneys,

/s/ Julie Murphy Clinton

Laura E. Schneider (BBO # 562030)
Julie Murphy Clinton (BBO# 655230)
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Dated: August 29, 2006

CERTIFICATE OF SERVICE

I, Julie Murphy Clinton, hereby certify that on August 29, 2006, I caused a copy of the foregoing document to be served, by electronic and first class mail, upon plaintiff Loi Tan Nguyen.

/s/ Julie Murphy Clinton

Julie Murphy Clinton